



## Agenda - Final

### Special Committee for Legal Review

Kevin McManus, Chair  
Heather Hall, Vice Chair  
Andrea Bough  
Lee Barnes Jr.

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Tuesday, April 11, 2023

1:30 PM

10h Floor, Council Chamber

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<https://us02web.zoom.us/j/85624825067>

#### PUBLIC OBSERVANCE OF MEETINGS

Members of the City Council may attend this meeting via video conference.

Any closed session may be held via teleconference.

The public can observe this meeting at the links provided below.

Applicants and citizens wishing to participate have the option of attending each meeting or they may do so through the video conference platform ZOOM, using this link:

<https://us02web.zoom.us/j/85624825067>

#### Lucas

[230316](#) Sponsor: Mayor Quinton Lucas

Enacting a new Code of Ordinances Section 74-12, "Incentivized Project Construction Timelines;" and directing the City Manager to seek Council approval before granting certain extensions of time and to negotiate parallel requirements with other incentive agencies.

HELD IN COMMITTEE

#### Robinson

[230220](#) Sponsor: Councilmember Melissa Robinson

RESOLUTION - Directing the City Manager to implement actions to improve issues regarding equal employment opportunity in all City departments.

**Attachments:** [Docket Memo 230220](#)

ADDITIONAL BUSINESS

1. There may be a general discussion regarding the current Special Committee for Legal review issues.

2. Those who wish to comment on proposed ordinances can email written testimony to:

[public.testimony@kcmo.org](mailto:public.testimony@kcmo.org)

Comments received will be distributed to the committee and added to the public record by the clerk.

The city provides several ways for residents to watch City Council meetings:

- Live Stream on the city's website at [www.kcmo.gov](http://www.kcmo.gov)
- Live Stream on the city's YouTube channel at <https://www.youtube.com/watch?v=3hOuBlg4fok>
- Watch Channel 2 on your cable system. The channel is available through Time Warner Cable (channel 2 or 98.2), AT&T U-verse (channel 99 selects Kansas City), and Google Fiber on Channel 142.
- To watch archived meetings, visit the City Clerk's website and look in the Video on Demand section:

[http://kansascity.granicus.com/ViewPublisher.php?view\\_id=23](http://kansascity.granicus.com/ViewPublisher.php?view_id=23).

#### Closed Session

- Pursuant to Section 610.021 subsection 1 of the Revised Statutes of Missouri to discuss legal matters, litigation, or privileged communications with attorneys;
- Pursuant to Section 610.021 subsection 2 of the Revised Statutes of Missouri to discuss real estate;
- Pursuant to Section 610.021 subsections 3 and 13 of the Revised Statutes of Missouri to discuss personnel matters;
- Pursuant to Section 610.021 subsection 9 of the Revised Statutes of Missouri to discuss employee labor negotiations;
- Pursuant to Section 610.021 subsection 11 of the Revised Statutes of Missouri to discuss specifications for competitive bidding;
- Pursuant to Section 610.021 subsection 12 of the Revised Statutes of Missouri to discuss sealed bids or proposals; or
- Pursuant to Section 610.021 subsection 17 of the Revised Statutes of Missouri to discuss

confidential or privileged communications with auditors.

The City Clerk`s Office now has equipment for the hearing impaired for every meeting. To check out the equipment, please confer with the secretary for each committee. Be prepared to leave your Driver`s License or State issued Identification Card with the secretary, and she or he will give you the equipment. Upon returning the equipment, your license will be returned.

Adjournment



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**File #: 230316**

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ORDINANCE NO. 230316

Sponsor: Mayor Quinton Lucas

Enacting a new Code of Ordinances Section 74-12, “Incentivized Project Construction Timelines;” and directing the City Manager to seek Council approval before granting certain extensions of time and to negotiate parallel requirements with other incentive agencies.

WHEREAS, the City of Kansas City has seen redevelopment and blight remediation delayed by incentivized projects which receive incentive commitments but fail undertake the required blight remediation and development within a reasonable time period; and

WHEREAS, delayed incentivized projects contribute to the blight and disinvestment in the City, negatively impacting the values of other property, as well as the health, welfare, and safety of Kansas Citians; and

WHEREAS, approval of incentivized projects before the projects are shovel ready leads to unnecessary amendments and misuse of City and incentive agency staff time and resources; and

WHEREAS, delayed completion of incentive projects prevents the Council from making informed decisions about the necessity for and appropriateness of incentivized projects at the time of actual construction; and

WHEREAS, the Council wishes to ensure the efficient and effective use of incentives granted by the City and City-created incentive agencies; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 74, “Kansas City Redevelopment Ordinance,” is hereby amended by enacting a new section, 74-12, “Incentivized Project Construction Timelines,” to read as follows:

**Section 74-12. Incentivized Project Construction Timeline.**

(a) The following definitions shall apply to this section:

*City incentive agency* means any economic development agency created by the City, including the Industrial Development Authority of Kansas City, Missouri, The Land Clearance

Redevelopment Authority of Kansas City, Missouri (“LCRA”), the Planned Industrial Expansion Authority of Kansas City, Missouri (“PIEA”), the Port Authority of Kansas City Missouri, and tax increment finance commissions for property in Kansas City, Missouri (the “TIF Commission”).

*City incentives* means economic incentives granted by the City or any city incentive agency in the nature of the capture and redirection, abatement, or exemption of taxes or the issuance of bonds or grants by the City or other City-backed financing.

*Development commitment* means any document committing the City or any city incentive agency to provide a city incentive, including development agreements, predevelopment agreements, redevelopment agreements, contribution agreements, and funding agreements, or any amendment to a development agreement, predevelopment agreement, redevelopment agreement, contribution agreements, funding agreement, or other document committing the City or any city incentive agency to provide a city incentive.

*Incentive approval date* means

- (1) For a city incentive granted pursuant to § 99.800 *et seq.* RSMo. through the TIF Commission, the date the tax increment financing is adopted by City Council.
- (2) For a city incentive granted pursuant to § 100.300 *et seq.* RSMo. through the PIEA, the date the tax abatement is approved by the PIEA Board of Commissioners.
- (3) For a city incentive granted pursuant to § 99.300 *et seq.* RSMo. through the LCRA, the date the tax abatement is approved by the LCRA Board of Commissioners.
- (4) For a city incentive granted pursuant to § 353.010 *et seq.* RSMo., the date the tax abatement is approved by City Council.
- (5) For a city incentive granted pursuant to § 100.010 *et seq.* RSMo., the date the plan for the project is approved by City Council.
- (6) For Enhanced Enterprises Zones abatement in excess of the statutory minimum provided in § 135.950 *et seq.* RSMo., the date the tax abatement is approved by City Council.
- (7) For other city incentives, the date the incentive amount is approved by the final governing body required by statute or City ordinance to approve the applicable city incentive.

*Incentive plan* means any tax increment finance plan, urban renewal plan, urban redevelopment plan, redevelopment plan, industrial development plan, or any other similar plan required by statute for the grant of city incentives.

*Incentivized project* means any new construction or rehabilitation projects receiving city incentives valued at or above \$160,000.

*Materially conflict* means that a development commitment contains timelines for the substantial completion of the project that differ from those provided in this section in a manner that would cause the development commitment to be substantially impaired.

*Substantial completion/substantially complete* means the issuance of a certificate of occupancy or temporary certificate of occupancy for the project, whichever is issued first.

(b) All incentivized projects shall substantially complete construction within three years of the incentive approval date or the awarded incentive shall expire, unless the City Council has specifically modified the time period for completion by ordinance or resolution. If more than 20% of the total residential units provided in a project qualify as affordable housing, as defined in Section 74-11, and comply with the criteria in Section 74-11(d), the timeline for substantial completion is extended from 3 years to 5 years.

(c) The requirements outlined in this section shall be included in all development commitments and incentive plans approved or executed by the City or any city incentive agency after May 31, 2023.

(d) For incentivized projects for which a development commitment has been fully executed but substantial completion has not occurred by May 31, 2023:

- (1) If the relevant development commitment or incentive plan does not materially conflict with the provisions of subsection (b), subsection (b) shall apply. If the incentive approval date is prior to June 1, 2021, the project must be substantially complete by June 1, 2024. If the incentive approval date is from June 1, 2021 to June 1, 2022, the project must be substantially complete by June 1, 2025.
- (2) If the relevant development commitment or incentive plan does materially conflict with the provisions of subsection (b), the relevant development commitment or incentive plan shall control, but if any modifications or amendments are made to any such development commitment or incentive plan, the requirements of this section as outlined in (d)(1) shall apply.

(e) Every city incentive agency shall review each incentive plan five years after it is established and every five years thereafter to evaluate the performance of the plan and shall report to the City Manager and Council as to the status of the plan. Each report shall include the status of each project in the plan and a recommendation whether any projects that have not yet been approved should be removed from the plan.

Section 2. That notwithstanding any authority previously granted to the City Manager, the City Manager shall not approve any extension of time that would permit an incentivized

project to reach substantial completion after the date provided in subsection (b) without City Council approval, unless seeking Council approval would violate a contract or law.

Section 3. That the City Manager is directed to negotiate with any other incentive agencies operating in the City but not bound by the requirements of this ordinance to encourage the adoption of parallel requirements.

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Approved as to form:

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Emalea Black  
Associate City Attorney



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**File #: 230220**

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RESOLUTION NO. 230220

Sponsor: Councilmember Melissa Robinson

RESOLUTION - Directing the City Manager to implement actions to improve issues regarding equal employment opportunity in all City departments.

WHEREAS, actions can and should be taken to improve perceptions of how City departments handle the issues of equal employment opportunity; and

WHEREAS, the City desires to ensure safe working conditions for all City employees free from discrimination, racism, harassment, sexism, homophobia, microaggressions, and fear of retaliation; and

WHEREAS, City employees have expressed issues stemming from long-standing cultural issues within the Kansas City Fire Department; and

WHEREAS, City employees have also expressed that the EEO investigation process is inefficient, ineffective and is unlikely to aid in conflict resolution; and

WHEREAS, minority and non-minority employees have expressed fear of retaliation for reporting incidents of harassment and discrimination; and

WHEREAS, the City aims to remove any conflicting roles that result in the representation of a bargaining unit member who may have experienced discrimination, harassment or retaliation at the hands of another bargaining unit, when the member accused of wrongdoing is being represented by the same bargaining unit; and

WHEREAS, the City desires to improve completion times and the thoroughness of EEO investigations; NOW, THEREFORE,

**BE IT RESOLVED BY THE COUNCIL OF KANSAS CITY:**

That the Council directs the City Manager to implement the following actions:

1. Have a regular and systematic annual dissemination of the City's policies prohibiting discrimination, harassment and retaliation. All City employees should receive copies of these policies annually and be required to acknowledge receipt of and knowledge of the contents of the policies.



2. Amend the City policies prohibiting discrimination, harassment and retaliation to be directive as opposed to suggestive regarding reporting observed or experienced discrimination, harassment or retaliation.
3. Have communications made from the City and Fire Department leadership requiring reporting of equal employment opportunity (EEO) policy violations. City communications should emphasize the seriousness of the matter and that employees need not report these issues through the normal chain of command.
4. Revamp the reporting tools for reporting of equal employment opportunity policy violations. The City shall institute new, user-friendly, web-based anonymous reporting tools.
5. Engage in specific efforts to create a “speak up” culture in the Fire Department and all other City departments, with all City employees in leadership roles required to be trained to and directed to combat EEO issues “in the moment.”
6. Have regular in-person Fire Department training sessions on the EEO Policy. Trainers should have intimate knowledge of how the Fire Department functions. Training shall be a part of any new hire orientation. Fire Department personnel shall be required to attend mandatory in-person training no less than once every two years. The training must reinforce the City’s no tolerance policies.
7. Have additional anti-racism, diversity, equity, inclusion, and cultural competency training for all City employees. Any training must focus on legal compliance and must be designed to change behavior.
8. Create a new commitment to “no tolerance” and real discipline for EEO Policy violations. Discipline shall go beyond a “slap on the wrist” or transfers to other departments, divisions or fire stations.
9. Research and study the EEO Policy and its provisions on investigations, process and procedures, determine whether any improvements can be made to such Policy, and implement such improvements, including ensuring the proper staffing to handle these processes and the completion of investigations within 60 days.
10. Implement the following steps to improve completion times:
  - By policy, set a presumptive outer limit of 60 days to complete and close an investigation, with reporting obligation due from investigator to manager on day 50; if the investigation cannot be closed by day 60, submit a stated plan for completion and timing;
  - Evaluate investigators on time-to-complete metrics as part of performance management process;

- Require the manager of the investigator group to keep a running timeline on all open, pending investigations;
  - By policy, establish that a raiser of concerns and any necessary investigation witnesses shall be released from duty with pay for interviews;
  - Consider opportunities to take statements/interview non-critical witnesses on duty during downtime at their stations;
  - Consider the use of virtual, online platforms for conducting certain interviews when the alignment of schedules is difficult;
  - Consider recording critical interviews;
  - If the raiser of concerns/reporter does not request union representation, consider proceeding with the initial intake interview with just the reporting party, and if current bargaining agreements terms do not permit this, bargain for revised language allowing it; and
  - If a witness is not the subject of the reporting party's report or complaint and the interview will not result in discipline to that witness, consider proceeding without union representation; if the current bargaining agreements do not permit this, bargain for revised language allowing it.
11. Implement the following steps to improve the investigation process:
- Set an action item of creating a comprehensive set of investigation guidelines, procedures and protocols:
  - Standardize forms such as intake letters, correspondence to involved individuals, interview outlines, closure letters and other templates;
  - Standardize the form, content and substance of each investigation file, such as the format of file, contents and which documents should be requested and preserved in a file;
  - Develop protocol for investigation file maintenance, retention and access;
  - Develop a training plan for current and new investigators; and
  - Manage investigator performance against compliance with new procedures.
12. Implement the following steps to improve the thoroughness of investigations:

- As attrition of investigators happens in the EEO Division, recruit candidates for open positions that have investigation backgrounds (law enforcement, prior agency investigators, EEO investigators, human resources professionals, etc.);
  - Develop a training plan for current and new investigators;
  - Research in-depth training programs to upgrade the skills profile of current EEO Division investigators (EEO laws and requirements, investigation and witness questioning skills);
  - Consider partnering with City law enforcement for some cross-over and investigatory skills training to improve investigation skills;
  - Standardize interview outline expectations and forms;
  - Require managers to audit investigation files for planning, thoroughness and documentation; and
  - Manage investigator performance against expectations for thorough and quality investigations.
13. Consider whether any changes can be made to the City's Collective Bargaining Agreements regarding EEO Policy investigations and work toward making such changes to address union conflicts and influence on investigations. Changes should consider that not all investigation interviews require union representation. An employee accused of an EEO investigation should not be entitled to detailed information regarding the report prior to the interview.
14. Eliminate bid pre-calls and bid blocks in the Fire Department. Fire Department shall emphasize that an employee's choice of where to bid is the employee's choice and only position qualification and seniority will control where an employee will be assigned.
15. Emphasize the selection of Fire Academy instructors that recognize the importance of the EEO Policy and who will work to address the issues raised by such Policy.
16. Make changes to accommodate privacy issues in all fire stations and allocate the required financial resources from the Capital Improvement Fund to ensure all fire stations have safe and equitable shower and bathroom facilities for all Fire Department employees working at those stations

17. Investigate Fire Stations with a high turn-over rate to determine why there is such high turn-over and take steps to increase turnover at low turn-over stations to expand experience and opportunities for movement into leadership.
18. Provide tutoring and mentorship programs to young cadets in the Fire Academy who are seeking assistance, and budget additional funding to achieve these goals.
19. Increase recruiting efforts in minority communities and create additional FTEs devoted to these recruitment efforts.
20. Conduct a City-wide professionally managed, anonymous employee survey on EEO issues to further identify issues of concern regarding such issues.

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# City of Kansas City, Missouri

## Docket Memo

Ordinance/Resolution #

Submitted Department/Preparer: Mayor/Council's Office

Docket memos are required on all ordinances initiated by a Department Director. More information can be found in [Administrative Regulation \(AR\) 4-1](#).

### Executive Summary

Directing the City Manager to implement actions to improve issues regarding equal employment opportunity in all City departments.

### Discussion

The fiscal impact of this legislation is indeterminable at this time.

### Fiscal Impact

1. Is this legislation included in the adopted budget?  Yes  No

2. What is the funding source?

N/A

3. How does the legislation affect the current fiscal year?

N/A

4. Does the legislation have fiscal impact in future fiscal years? Please notate the difference between one-time and recurring costs.

N/A

5. Does the legislation generate revenue, leverage outside funding, or deliver a return on investment?

N/A

### Office of Management and Budget Review

(OMB Staff will complete this section.)

1. This legislation is supported by the general fund.  Yes  No



# City of Kansas City, Missouri

## Docket Memo

2. This fund has a structural imbalance.

Yes  No

### Additional Discussion (if needed)

N/A

### Citywide Business Plan (CWBP) Impact

View the [FY23 Citywide Business Plan](#)

Which CWBP goal is most impacted by this legislation?

Finance and Governance (Press tab after selecting.)

Which objectives are impacted by this legislation (select all that apply):

- Reform the City's economic incentives to meet the policy objectives of the City Council
- Ensure the resiliency of City government
- Engage in workforce planning including employee recruitment, development, retention, and engagement
- Ensure a responsive, representative, engaged, and transparent City government
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### Prior Legislation

N/A.

### Service Level Impacts

1. Have a regular and systematic annual dissemination of the City's policies prohibiting discrimination, harassment and retaliation. All City employees should receive copies of these policies annually and be required to acknowledge receipt of and knowledge of the contents of the policies.

2. Amend the City policies prohibiting discrimination, harassment and retaliation to be directive as opposed to suggestive regarding reporting observed or experienced discrimination, harassment or retaliation.

# City of Kansas City, Missouri

## Docket Memo

3. Have communications made from the City and Fire Department leadership requiring reporting of equal employment opportunity (EEO) policy violations. City communications should emphasize the seriousness of the matter and that employees need not report these issues through the normal chain of command.
4. Revamp the reporting tools for reporting of equal employment opportunity policy violations. The City shall institute new, user-friendly, web-based anonymous reporting tools.
5. Engage in specific efforts to create a “speak up” culture in the Fire Department and all other City departments, with all City employees in leadership roles required to be trained to and directed to combat EEO issues “in the moment.”
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7. Have additional anti-racism, diversity, equity, inclusion, and cultural competency training for all City employees. Any training must focus on legal compliance and must be designed to change behavior.
8. Create a new commitment to “no tolerance” and real discipline for EEO Policy violations. Discipline shall go beyond a “slap on the wrist” or transfers to other departments, divisions or fire stations.
9. Research and study the EEO Policy and its provisions on investigations, process and procedures, determine whether any improvements can be made to such Policy, and implement such improvements, including ensuring the proper staffing to handle these processes and the completion of investigations within 60 days.
10. Implement the following steps to improve completion times:
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# City of Kansas City, Missouri

## Docket Memo

- By policy, establish that a raiser of concerns and any necessary investigation witnesses shall be released from duty with pay for interviews;
  
  - Consider opportunities to take statements/interview non-critical witnesses on duty during downtime at their stations;
  
  - Consider the use of virtual, online platforms for conducting certain interviews when the alignment of schedules is difficult;
  
  - Consider recording critical interviews;
  
  - If the raiser of concerns/reporter does not request union representation, consider proceeding with the initial intake interview with just the reporting party, and if current bargaining agreements terms do not permit this, bargain for revised language allowing it; and
  
  - If a witness is not the subject of the reporting party's report or complaint and the interview will not result in discipline to that witness, consider proceeding without union representation; if the current bargaining agreements do not permit this, bargain for revised language allowing it.
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# City of Kansas City, Missouri

## Docket Memo

- Develop protocol for investigation file maintenance, retention and access;
  - Develop a training plan for current and new investigators; and
  - Manage investigator performance against compliance with new procedures.
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# City of Kansas City, Missouri

## Docket Memo

17. Investigate Fire Stations with a high turn-over rate to determine why there is such high turn-over and take steps to increase turnover at low turn-over stations to expand experience and opportunities for movement into leadership.
18. Provide tutoring and mentorship programs to young cadets in the Fire Academy who are seeking assistance, and budget additional funding to achieve these goals.
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### Other Impacts

1. What will be the potential health impacts to any affected groups?  
N/A
2. How have those groups been engaged and involved in the development of this ordinance?  
N/A
3. How does this legislation contribute to a sustainable Kansas City?  
N/A
4. Does the ordinance/resolution include Civil Rights antidiscrimination requirements in compliance with the Code of Ordinances (Chapter 38, titled "Civil Rights")?

Actions can and should be taken to improve perceptions of how City departments handle the issues of equal employment opportunity. The City desires to ensure safe working conditions for all City employees free from discrimination, racism, harassment, sexism, homophobia, microaggressions, and fear of retaliation. City employees have expressed issues stemming from long-standing cultural issues within the Kansas City Fire Department; and City employees have also expressed that the EEO investigation process is inefficient, ineffective and is unlikely to aid in conflict resolution; and minority and non-minority employees have expressed fear of retaliation for reporting incidents of harassment and discrimination. The City aims to remove any conflicting roles that result in the representation of a bargaining unit member who may have experienced discrimination, harassment or retaliation at the hands of another bargaining unit, when the member accused of wrongdoing is being represented by the same bargaining unit; and the City desires to improve completion times and the thoroughness of EEO investigations.



# City of Kansas City, Missouri

## Docket Memo

5. Has the ordinance/resolution been submitted for review of economic equity & inclusion requirements in compliance with the Code of Ordinances (Chapter 3, titled "Contracts and Leases")?

N/A